

#27  
5/6  
5,403  
(130)

32892.00023

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Eugenio A. Cefali  
Application No. : 08/960,557 Confirmation No.:  
Filed : October 31, 1997  
For : METHODS FOR TREATING HYPERLIPIDEMIA  
WITH INTERMEDIATE RELEASE NICOTINIC  
ACID COMPOSITIONS HAVING UNIQUE  
BIOPHARMACEUTICAL CHARACTERISTICS  
Group Art Unit : 1615  
Examiner : James M. Spear

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TECH CENTER 1600/2900  
03 JAN 16 AM 7:08

Hon. Commissioner for Patents  
P.O. Box 2327  
Arlington, Virginia 22202

REQUEST TO CORRECT INVENTORSHIP UNDER  
37 C.F.R. § 1.48(a)

Sir:

Pursuant to 37 C.F.R. § 1.48(a)(1), applicant hereby requests the Commissioner to correct inventorship of the above-identified patent application by adding the name of David J. Bova as a co-inventor. In support of this Request, applicant files concurrently herewith:

1) A Statement Under 37 C.F.R. § 1.48(a)(2) from

05/15/2003 YCHADWIC 00000001 502543 08960557  
David J. Bova,  
01 FC:1460 130.00 CH

2) A Statement Under 37 C.F.R. § 1.48(a)(5) from

assignee's representative, Juan Rodriguez, of Kos

Pharmaceuticals, Inc., the assignee of the above-identified patent application with Exhibit A--A copy of an executed Assignment from Eugenio A. Cefali, recorded in the United States Patent and Trademark Office on March 16, 1998, at Reel/Frame: 9035/0157, in the above-identified patent application; and

3) A Declaration/Power of Attorney executed by the actual inventors as required by 37 C.F.R. § 1.63.

In the accompanying Transmittal Letter (submitted in duplicate herewith), the Director is authorized to charge the amount of \$130.00 in payment of the fee for this Request set forth in 37 C.F.R. § 1.17(i) and any additional fee required in connection with this Request, or to credit any overpayment, to Deposit Account No. 50-2543 (Kos).

Respectfully submitted,

Date: 1/15/03

K. Messick  
Karen J. Messick (Reg. No. 46,256)  
Attorney for Applicant  
c/o Kos Pharmaceuticals, Inc.  
1001 Brickell Bay Drive  
25th Floor  
Miami, Florida 33131  
Tel.: (305) 523-3643

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Eugenio A. Cefali  
Application No. : 08/960,557 Confirmation No.:  
Filed : October 31, 1997  
For : METHODS FOR TREATING HYPERLIPIDEMIA  
WITH INTERMEDIATE RELEASE NICOTINIC  
ACID COMPOSITIONS HAVING UNIQUE  
BIOPHARMACEUTICAL CHARACTERISTICS  
Group : 1615  
Examiner : James M. Spear

Hon. Commissioner for Patents  
P.O. Box 2327  
Arlington, Virginia 22202

STATEMENT OF DAVID J. BOVA UNDER 37 C.F.R. § 1.48(a)(2)  
IN SUPPORT OF REQUEST TO CORRECT INVENTORSHIP

Sir:

I, DAVID J. BOVA, hereby declare that:

1. I make this statement in support of the Request to Correct Inventorship Pursuant to 37 C.F.R. § 1.48(a), filed in the above-identified patent application concurrently herewith.

2. Due to an error in designating inventorship, I am not listed as a co-inventor of the above-identified patent application.

3. The error of failing to include my name as a co-inventor of the above-identified patent application occurred without any deceptive intention on my part.

4. I hereby further declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine, or imprisonment, or both, under Section 1001, Title 18, United States Code, and that such willful false statements may jeopardize the validity of the above-identified patent application, or any patent issuing thereon.

1/8/03

Date

David J. Bova

David J. Bova

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Eugenio A. Cefali  
Application No. : 08/960,557 Confirmation No.:  
Filed : October 31, 1997  
For : METHODS FOR TREATING HYPERLIPIDEMIA WITH  
INTERMEDIATE RELEASE NICOTINIC ACID  
COMPOSITIONS HAVING UNIQUE  
BIOPHARMACEUTICAL CHARACTERISTICS  
Group Art Unit : 1615  
Examiner : James M. Spear

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Hon. Commissioner for Patents  
P.O. Box 2327  
Arlington, Virginia 22202

STATEMENT OF JUAN RODRIGUEZ UNDER  
37 C.F.R. §§ 1.48(a)(5) AND 3.73(b)  
IN SUPPORT OF REQUEST TO CORRECT INVENTORSHIP

Sir:

I, Juan Rodriguez, am empowered to act on behalf of  
Kos Pharmaceuticals, Inc., the assignee of the above-identified  
patent application.

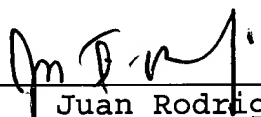
Kos Pharmaceuticals, Inc., a Florida corporation  
having an office and place of business at 1001 Brickell Bay  
Drive, 25<sup>th</sup> Floor, Miami, Florida 33131, is the assignee of the  
entire right, title and interest in the above-identified  
patent, by virtue of an Assignment from the presently named  
inventor, Eugenio A. Cefali.

A copy of an executed Assignment from Eugenio A. Cefali in the above-identified application, which I am informed and believe was recorded in the United States Patent and Trademark Office on March 16, 1998 at Reel/Frame: 9035/0157, is attached hereto as Exhibit A.

Kos Pharmaceuticals, Inc. hereby consents to correction of the inventorship of the above-identified patent application by the addition of David J. Bova as a co-inventor with Eugenio A. Cefali.

KOS PHARMACEUTICALS, INC.

1/10/03  
Date

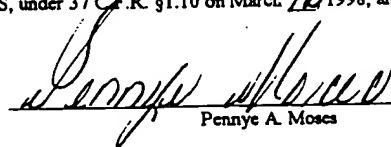
By:   
Juan Rodriguez  
Secretary and Vice President,  
Controller  
Kos Pharmaceuticals, Inc.

Attorney Docket No. 32892.23

PATENT

CERTIFICATE OF MAILING BY EXPRESS MAIL  
37 C.F.R. §1.10

I hereby certify that this paper, with its indicated enclosures, is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee", Express Mail No. EE507465855US, under 37 C.F.R. §1.10 on March 12/1998, and is addressed to the Assistant Commissioner for Patents, Box Assignments, Washington, D.C. 20231

  
Penny A. Mosca

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03 MAR 16 AM 7:08

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Eugenio A. Cefali  
Serial No.: 08/960,557  
Filing Date: October 31, 1997  
Group Art Unit: 1615  
Examiner: Unassigned  
Title: *Methods for Treating Hyperlipidemia With Intermediate Release Nicotinic Acid Compositions Having Unique Biopharmaceutical Characteristics*

**Box Assignments**

Assistant Commissioner of Patents  
Washington, D.C. 20231

COMMUNICATION

Dear Sir:

Enclosed are the following documents:

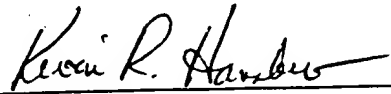
- ☒ Assignment of Entire Interest with Recordation Cover Sheet;
- ☒ Check in the amount of \$40.00 to cover the cost of the recordation fee; and
- ☒ Return postcard.

**CHARGE STATEMENT:** The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and may be required under 37 CFR 1.16-1.18 (missing or insufficiencies only) now or hereafter relative to this application and for the resulting Official Document under 37 CFR 1.20, OR credit any overpayment to our Deposit Account No. 10-0447/32892.23, for which purpose a duplicate copy of this sheet is attached.

This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal form is filed.

Respectfully Submitted,

Date: March 12, 1998



Kevin R. Hansbro  
Reg. No. 38,485

Jenkins & Gilchrist, P.C.  
1100 Louisiana Street  
Suite 1800  
Houston, Texas 77002  
(713) 951-3300  
(713) 951-3375 (Direct Dial)  
(713) 951-3314 (Fax No.)



RECORDATION FORM COVER SHEET  
PATENTS ONLY

To the Honorable Commissioner of Patents and Trademarks. Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Eugenio A. Cefali  
5221 NW 78th Terrace  
Lauderhill, FL 33351

Additional name(s) of conveying party(ies) attached? ☐ yes ☒ no

3. Nature of Conveyance:

- ☒ Assignment ☐ Merger  
☐ Security Agreement ☐ Change of Name  
☐ Other \_\_\_\_\_

Execution Date: March 3, 1998

2. Name and address of receiving party(ies):

Name: Kos Pharmaceuticals, Inc.

Internal Address: 1001 South Bayshore Drive, Suite 2502  
Miami, Florida 33131

Street Address: 1001 South Bayshore Drive, Suite 2502

City Miami State FL ZIP 33131

Additional name(s) & address(es) attached? ☐ Yes ☒ No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: \_\_\_\_\_

A. Patent Application No.(s)

08/960,557

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Peter J. Manso  
Internal Address: Jenkins & Gilchrist, P.C.  
1100 Louisiana, Suite 1800

Street Address: 1100 Louisiana, Suite 1800

City: Houston State: Texas ZIP: 77002

Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41): ..... \$ 40.00

- ☐ Previously forwarded on \_\_\_\_\_  
☒ Enclosed  
☒ Authorized to be charged to deposit account.\*

\*If check is not received with this correspondence or additional fees are required, please charge to deposit account 10-0447/32892.23PJM.

8. Deposit account number: \_\_\_\_\_

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

9. Statement and signature.

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*

Kevin R. Hansbro  
Name of Person Signing

Kevin R. Hansbro  
Signature

March 12, 1998  
Date

Total number of pages comprising cover sheet: 1

CERTIFICATE OF MAILING 37 C.F.R. 1.10

I hereby certify that this document is being deposited with the United States Postal Service on this 12 day of March, 1998, in an envelope as "Express Mail Po Office Addressee", Mailing Label No. EE507465855US, addressed to the Assistant Commissioner of Patents, Box Assignments, Washington, D.C. 20231.

Signature: Pennye A. Moses

Printed Name: PENNYE A. MOSES

### ASSIGNMENT OF ENTIRE INTEREST

WHEREAS, I, one of the undersigned inventors, of residence as listed, having invented certain new and useful improvements as below entitled, for which application for United States Letters Patent is made, said application having been filed on the date set forth below; and

WHEREAS, KOS PHARMACEUTICALS, INC. (hereinafter referred to as "Assignee"), with an address of 1001 South Bayshore Drive, Suite 2502, Miami, Florida 33131, desires to acquire my entire right, title and interest in and to the invention, and in and to the said application and any Letters Patent that may issued thereon;

NOW, THEREFORE, for and in consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, I assign to Assignee, all right, title and interest in and to said invention and in and to said application and all patents which may be granted therefor, and all divisions, reissues, continuations, continuations-in-part and extensions thereof; and I hereby authorize and request the Commissioner of Patents and Trademarks to issue all patents for said invention, or patents resulting therefrom, insofar as my interest is concerned, to Assignee.

I also assign to Assignee, all right, title and interest to the invention disclosed in said application throughout the world, including the right to file applications and obtain patents, utility models, industrial models and designs for said invention in its own name throughout the world including all rights to publish cautionary notices reserving ownership of said invention and all rights to register said invention in appropriate registries; and I further agree to execute any and all powers of attorney, applications, assignments, declarations, affidavits, and any other papers in connection therewith necessary to perfect such right title and interest in Assignee.

I will communicate to Assignee any facts known to me respecting any improvements; and, at the expense of Assignee, I will testify in any legal proceedings, sign all lawful papers, execute all divisional, continuation, continuation-in-part, reissue and substitute applications, make lawful oaths and declarations, and generally do everything possible to vest title in Assignee and to aid Assignee to obtain and enforce proper protection for said invention in all countries.

This Assignment shall be binding on the parties' successors, assigns and legal representatives.

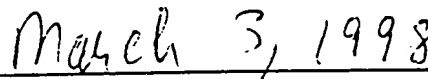
Title of Invention: Methods for Treating Hyperlipidemia With Intermediate Release Nicotinic Acid Compositions Having Unique Biopharmaceutical Characteristics  
Serial No.: 08/960,557  
Date Filed: October 31, 1997

Signature of Inventor:

Inventor's Name: Eugenio A. Cefali  
Residence: 5221 NW 78th Terrace  
Lauderhill, Florida 33351  
Citizenship: USA



Date:



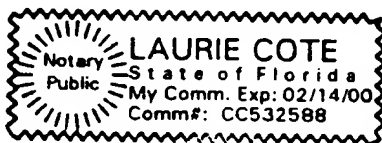
STATE OF FLORIDA

§

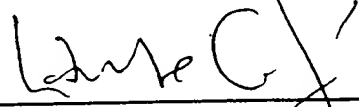
§

COUNTY OF BROWARD

§



BEFORE ME this 3<sup>rd</sup> day of March, 1998, personally appeared EUGENIO A. CEFALI, known to me to be the person who is described and who executed the foregoing assignment instrument and acknowledged to me that he executed the same of his own free will for the purpose therein expressed.



Notary Public

RECEIVED  
MAY 09 2003  
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32892.1800/2900

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Eugenio A. Cefali  
Application No. : 08/960,557 Confirmation No.:  
Filed : October 31, 1997  
For : METHODS FOR TREATING HYPERLIPIDEMIA  
WITH INTERMEDIATE RELEASE NICOTINIC  
ACID COMPOSITIONS HAVING UNIQUE  
BIOPHARMACEUTICAL CHARACTERISTICS  
Group Art Unit : 1615  
Examiner : James M. Spear

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Hon. Commissioner for Patents  
P.O. Box 2327  
Arlington, Virginia 22202

TRANSMITTAL LETTER

Sir:

Transmitted herewith:

[X] A Request to Correct Inventorship Under 37 C.F.R.

§ 1.48(a);

[X] A Statement of David J. Bova Under 37 C.F.R.

1.48(a)(2) in Support of Request to Correct Inventorship;

[X] A Statement of Juan Rodriguez Under 37 C.F.R.

1.48(a)(5) in Support of Request to Correct Inventorship with

Exhibit A--A copy of executed and recorded Assignment from  
Eugenio A. Cefali;

[X] An executed Declaration/Power of Attorney from  
Eugenio A. Cefali and David J. Bova; and

[X] A Request to Perfect Priority Claim; to be filed  
in the above-identified patent application.

FEE FOR ADDITIONAL CLAIMS

[X] A fee for additional claims is not required.

[ ] A fee for additional claims is required.

The additional fee has been calculated as shown below:


CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEES
TOTAL CLAIMS	-	* =	X \$ 9 =	\$
INDEPENDENT CLAIMS	-	** =	X \$ 42 =	\$
FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM			+ \$ 140 =	\$
* If less than 20, insert 20.			TOTAL	<u>\$</u>
** If less than 3, insert 3.				

[ ] A check in the amount of \$\_\_\_\_\_ in payment of the filing  
fee is transmitted herewith.

- [ ] A check in the amount of \$130.00, in payment of the processing fee for the Request to Correct Inventorship set forth in 37 C.F.R. § 1.17(i);
- [X] Please charge \$ 130.00 to Deposit Account No. 50-2543 (Kos) in payment of the processing fee for the Request to Correct Inventorship set forth in 37 C.F.R. § 1.17(i). A duplicate copy of this transmittal letter is transmitted herewith.
- [X] Please charge \$      to Deposit Account No. 50-2543 (Kos) in payment of the filing fee. A duplicate copy of this transmittal letter is transmitted herewith.
- [X] The Director is hereby authorized to charge payment of any additional filing fees required under 37 C.F.R. § 1.16 or § 1.17, in connection with the paper(s) transmitted herewith, or credit any overpayment of same, to Deposit Account No. 50-2543 (Kos). A duplicate copy of this transmittal letter is transmitted herewith.

Respectfully submitted,

Date: 1/15/03

  
Karen J. Messick (Reg. No. 46,256)  
Attorney for Applicant  
c/o Kos Pharmaceuticals, Inc.  
1001 Brickell Bay Drive  
25th Floor  
Miami, Florida 33131  
Tel.: (305) 523-3643

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Eugenio A. Cefali  
Application No. : 08/960,557 Confirmation No.:  
Filed : October 31, 1997  
For : METHODS FOR TREATING HYPERLIPIDEMIA  
WITH INTERMEDIATE RELEASE NICOTINIC  
ACID COMPOSITIONS HAVING UNIQUE  
BIOPHARMACEUTICAL CHARACTERISTICS  
Group Art Unit : 1615  
Examiner : James M. Spear

Hon. Commissioner for Patents  
P.O. Box 2327  
Arlington, Virginia 22202

REQUEST TO PERFECT CLAIM TO  
PRIORITY PURSUANT TO 35 U.S.C. § 120

Sir:

This request is being filed concurrently with a Request to Correct Inventorship of the above-identified application pursuant to 37 C.F.R. § 1.48 by adding the name of David J. Bova as a co-inventor. This application was filed in the name of Eugenio A. Cefali, as a continuation-in-part application claiming priority under 35 U.S.C. § 120 from:

United States patent application Serial No.  
08/814,974, filed March 6, 1997 in the name of David J. Bova  
(now United States patent 6,129,930), which is a continuation-

in-part application claiming priority under 35 U.S.C. § 120  
from:

United States patent application Serial No.  
08/368,378, filed January 14, 1995 in the name of David J. Bova  
(now United States patent 6,080,428), which is a continuation-  
in-part application claiming priority under 35 U.S.C. § 120  
from:

United States patent application Serial No.  
08/124,392, filed September 20, 1993 in the name of David J.  
Bova.

Due to an error in designating inventorship in the  
pending application, David J. Bova was not listed as a co-  
inventor. As a result, at the time of stating the priority  
claim in this application, there was no overlapping  
inventorship with the '974, '378 or '392 applications.

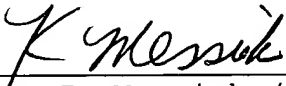
Upon grant of the Request to Correct Inventorship of  
the pending application, the inventorship in this application  
will have an inventor in common with the '974, '378 and '392  
applications. As indicated in the Declaration and Power of  
Attorney filed concurrently herewith in the present  
application, the present application claims priority under 35  
U.S.C. § 120 from the '974, '378 and '392 applications.



In the accompanying Transmittal Letter (filed in duplicate herewith), the Director is authorized to charge any fee required in connection with this Request, or to credit any overpayment, to Deposit Account No. 50-2543 (Kos).

Respectfully submitted,

Date: 1/15/03

  
\_\_\_\_\_  
Karen J. Messick (Reg. No. 46,256)  
Attorney for Applicant  
c/o Kos Pharmaceuticals, Inc.  
1001 Brickell Bay Drive  
25th Floor  
Miami, Florida 33131  
Tel.: (305) 523-3643